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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/291,832	04/14/1999	WOLFGANG JACOBSEN	MO-5152/LEA3	2636

7590 10/02/2002

PATENT DEPARTMENT
BAYER CORPORATION
100 BAYER ROAD
PITTSBURGH, PA 152059741

EXAMINER

LESPERANCE, JEAN E

ART UNIT PAPER NUMBER

2674

DATE MAILED: 10/02/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

PR4

Office Action Summary

Application No.

09/291,832

Applicant(s)

JACOBSEN ET AL.

Examiner

Jean E Lesperance

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 April 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

1. Claims 26-50 are presented for examination.

Claim Rejections - 35 U.S.C. § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 26-50 are rejected under 35 U.S.C. 103 (a) as being unpatentable over patent # 3,832,034 ("Edmonds") in view of patent # 5,117,071 ("Greanias et al.").

As for claims 26-50, Edmonds teaches a liquid crystal display assembly also includes a cover unit comprised of a transparent support plate having deposited on its inner face a transparent electrode 15 of a conductive composition such as In₃O₃ (column 5, lines 8-16) corresponding to transparent cover plate; a transparent support plate (column 6, lines 6-15); a liquid crystal cell (column 2, lines 66-66). Accordingly, Edmonds teaches all the claimed limitations as recited in claims 26-50 with the exception of providing a radiation source, a photodetector.

However, Greanias et al. teach a system includes a means for connecting the output of an electromagnetic or electrostatic radiation source for selected patterns of horizontal and vertical

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conductors in the array (column 2, lines 45-65) corresponding to a radiation source; a light pen is an optical detector in a handheld stylus (column 1, lines 33-34) corresponding to a photodetector.

It would have been obvious to utilize a radiation source and an optical detector as taught by Greanias et al. in the liquid crystal display disclosed by Edmonds because this would provide a stylus and touch sensor display system which is reliable and inexpensive to manufacture.

Response to Amendment

Applicant's arguments filed on 7-29-2002 have been fully considered but they are not persuasive. The applicant argued that the applicant does not teach "a touch recognizing display device so that radiation from the radiation source periodically varies with time at the frequency, and electric signal from the photodetector is further processed so that predominantly only that part of the signal which likewise varies periodically with time and approximately varies at the same frequency as the radiation power from the variation source is evaluated". Examiner agrees with the applicant that the prior art does not teach "a touch recognizing display device so that radiation from the radiation source periodically varies with time at the frequency, and electric signal from the photodetector is further processed so that predominantly only that part of the signal which likewise varies periodically with time and approximately varies at the same frequency as the radiation power from the variation source is evaluated".

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "a touch

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recognizing display device so that radiation from the radiation source periodically varies with time at the frequency, and electric signal from the photodetector is further processed so that predominantly only that part of the signal which likewise varies periodically with time and approximately varies at the same frequency as the radiation power from the variation source is evaluated”) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The applicant argued that the prior arts used, Edmonds and Greanias et al., do not teach a touch sensor. A touch sensor is only in the preamble and it is not even a limitation in any of the claims. Greanias et al. teach an improved finger touch and stylus detection system for use on the surface of a display device (see abstract) corresponding to a touch sensor. The applicant fails to describe exactly what the present invention is doing and the novelty about it. The applicant has to claim the invention in a clear and concise manner in order to overcome the prior art because the examiner interprets the claims very broadly. Therefore the rejection stands as was rejected in the previous office action.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean Lesperance whose telephone number is (703) 308-6413. The examiner can normally be reached on from Monday to Friday between 8:00AM and 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe, can be reached on (703) 305-4709 .

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal drive, Arlington, VA, Sixth Floor (Receptionist).

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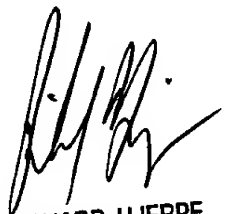
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Jean Lesperance



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Date 9-30-2002



RICHARD HJERPE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600